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Report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission

(for the period from 16 September 2002 to 21 March 2003)

I. Introduction

1. The present report provides an account of the developments and activities of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) during the past six months carried out in accordance with the mandate entrusted to it by the Security Council in resolutions 687 (1991) of 3 April 1991, 689 (1991) of 9 April 1991 and 806 (1993) of 5 February 1993.

II. Main developments

2. During the period under review, conditions in the UNIKOM area of operations deteriorated so markedly, owing to political and military developments in the region, that I was finally obliged for security reasons and because it could no longer fulfil its mandate, to suspend its operations on 17 March 2003. By 21 March, UNIKOM had evacuated all its personnel, with the exception of a small headquarters that remains at Kheitan Support Centre in Kuwait City.

3. During most of the period under review, UNIKOM continued to monitor the demilitarized zone, which extends 10 kilometres into Iraq and 5 kilometres into Kuwait, and the Khawr' Abd Allah waterway along the maritime boundary between the two countries. UNIKOM carried out its monitoring operations from its fixed observation posts and through patrols by land, sea and air. However, patrolling by boat in the waterway had been significantly reduced because Iraqi authorities denied UNIKOM the use of the pier at M-2 on 26 June 2002. On 11 February 2003, the patrol and observation base at M-3 was relocated to Maritime headquarters at Camp Khor for security reasons and patrolling of the demilitarized zone on the Al Faw peninsula was temporarily suspended.

4. As of 16 March 2003, there were 714 violations of the demilitarized zone, of which 660 were air violations, 16 maritime violations, 14 weapons violations, and 24 ground violations. The number of air violations over the demilitarized zone more than doubled in comparison to the number in the previous six months (from 233 to 660), increasing significantly in January 2003 and thereafter. Most of these air

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violations involved jet aircraft that were heard, but were flying at altitudes too high to be observed or identified. Of the total number of air violations, 18 involved helicopters and 3 involved unmanned aircraft seen flying over the demilitarized zone. The 16 maritime violations included 13 Iraqi fishing boats, 2 Iraqi cargo ships and 1 Iraqi police patrol boat, all seen operating in Kuwaiti waters. Of the 14 weapons violations, 8 occurred on the Iraqi side and 6 on the Kuwaiti side of the demilitarized zone. The weapons violations on the Iraqi side involved two occasions of small arms firing near Abdaly Crossing, four occasions when rifles and two occasions when machine guns were observed, being carried by Iraqi customs police or civilians. On the Kuwaiti side, the six weapons violations included one instance when a Kuwaiti naval patrol boat mounted with a 12.7 mm machine gun was observed and five instances when United States military were seen carrying M-16 rifles or pistols in the demilitarized zone. A total of 24 ground violations were recorded during the period under review, 19 of which occurred on the Kuwaiti side and 5 on the Iraqi side of the demilitarized zone. All the 19 ground violations on the Kuwaiti side involved either Kuwaiti military vehicles or United States military vehicles and troops entering from the southern berm end of the demilitarized zone. Among these ground violations was an incident when United States Marines were observed within the demilitarized zone testing ultra-high frequency and high frequency communications equipment. Of the five ground violations on the Iraqi side, one was an Iraqi military vehicle entering the demilitarized zone to check telephone lines in the Safwan area and four were Iraqi police constructing defensive positions at their police posts.

5. Iraqi authorities lodged all of the 112 complaints received. Most of these related to air violations of Iraqi territory. There were also a few cases where complaints were raised concerning British and United States troops alleged to be operating within the UNIKOM area of responsibility. In response, UNIKOM conducted investigations to verify the incidents and submitted reports on its findings. Iraqi officials continued to demand that UNIKOM report a much higher number of air violations and identify the type and nationality of the aircraft. UNIKOM continued to advise Iraqi authorities that it did not have the technical means or capability to identify definitively all the aircraft flying over the demilitarized zone. Nonetheless, UNIKOM reported as violations all flights that it observed or heard flying over the demilitarized zone.

6. There were 11 incidents reported over the past six months, including 3 occasions when Iraqi youths threw stones at United Nations vehicles and personnel and 4 occasions when Kuwaiti police refused to allow United Nations vehicles to pass through gates in the electric fence on the Kuwaiti side of the demilitarized zone. Three cases involved weapons being pointed at United Nations personnel; two by Kuwaiti police at their checkpoints and one by Iraqi police at the UNIKOM headquarters gate. Another case involved an unidentified civilian car, which was driven at high speed from Kuwait straight through the Kuwaiti checkpoints and crossed the UNIKOM checkpoint at Abdaly Crossing on the border between Iraq and Kuwait. UNIKOM protested these incidents through the liaison officers of the two host countries. From 5 March, nearly two weeks before suspension of its operations, UNIKOM observed contractors for Kuwaiti authorities cutting numerous openings in the electric fence. While these were later closed, bulldozers were also observed levelling the berm and filling in the ditch along the south demilitarized zone boundary to create possible vehicle passageways. By 16 March, the total

number of gaps in the fence had reached 31 and UNIKOM had observed 38 breaches in the berm. Consistent with Security Council resolution 687 (1991), paragraph B5, the Security Council was kept informed as these events unfolded and representatives of troop-contributing countries were also informed.

7. The German medical unit continued to provide valuable medical assistance to both United Nations personnel and the local population in the mission area. The team conducted medical evacuations on three occasions for young Iraqis seriously injured by mine explosions. There were also a few cases of serious burns where casualties were treated at UNIKOM medical facilities and later transferred to local hospitals in either Umm Qasr or Basra. Additionally, on a daily basis, Iraqis brought their sick and injured to UNIKOM headquarters in Umm Qasr and to patrol and observation bases, seeking treatment and medication. Kuwaiti authorities continued to cooperate with UNIKOM in emergency situations by allowing United Nations helicopters to fly over Kuwaiti air space carrying Iraqi nationals in dire need of medical attention.

8. With reference to the relocation of Delta Crossing, which was damaged by flooding in March 2002, the construction of the new facility was completed and the new crossing was operational from 31 December 2002.

9. The UNIKOM communications tower at Jabal Sanam on the Iraqi side of the demilitarized zone had become increasingly overloaded with additional items of equipment, had been severely damaged, and was in danger of collapsing. UNIKOM engaged in prolonged consultations with Iraqi authorities to replace the existing facility with a higher self-supporting tower, but was unable to secure the necessary agreement to replace the tower. Therefore, UNIKOM negotiated the use of two Kuwaiti masts for the placement of its equipment. The plan was to construct two additional masts to make the alternative routing operational.

10. The Mission's security plan envisaged relocation and eventual evacuation of the Mission in the event that UNIKOM was no longer able to fulfil its mandate or if there was an unacceptable risk or threat to the security of its personnel. United Nations personnel would not be expected to function in an environment contaminated by chemical or biological weapons. Exceptionally, due to the unique operating environment of UNIKOM, protective nuclear, biological, chemical (NBC) equipment was purchased for all essential UNIKOM personnel to be used only in the event of a sudden emergency occurring before all UNIKOM personnel could be evacuated. In November 2002, an NBC unit was established in the Mission with the deployment of an NBC adviser to UNIKOM and the redeployment of one military observer specifically for that purpose. Additionally, a team of experts conducted NBC training of UNIKOM personnel from 8 to 13 December 2002.

11. By late January, the Mission was operating in an atmosphere of continuing uncertainty. The military build-up on the Kuwaiti side of the demilitarized zone posed serious potential challenges to UNIKOM in fulfilling its mandate and in ensuring the security of its personnel. In its efforts to cope with the evolving situation, UNIKOM continued to review its concept of operations and to carry out its major functions while making contingency arrangements to respond, if necessary, to a crisis. Detailed security and evacuation plans were further refined and training exercises continued at all levels in preparation for developments that could, and eventually did, cause UNIKOM to be unable to carry out its mandate.

12. On 16 February, UNIKOM declared the second phase of its security and relocation/evacuation plan, imposing some restrictions of movement and relocating the personnel at the isolated Maritime patrol and observation base at M-3 in Iraq.

13. On 7 March, owing to the rapidly deteriorating security situation, UNIKOM was authorized to declare the third phase of the plan. At that time, patrolling of the Khawr'Abd Allah waterway and routine air patrols were suspended, non-essential personnel were relocated to Kuwait City, heavy weapons were prepared for storage, NBC equipment was issued to all essential personnel, the Bangladesh Battalion began providing increased protection to patrol and observation bases, an alternative command centre was established at Camp Khor and personnel were prepared to move to assembly areas.

14. On 12 March, with security in mind and in the light of the massive build-up of forces along the Kuwaiti side of the border, UNIKOM implemented a modification of the third phase of its security plan. All personnel in patrol and observation bases on the Iraqi side of the demilitarized zone, and the UNIKOM personnel in the liaison offices at Baghdad and Umm Qasr Port, were temporarily relocated to UNIKOM headquarters at Umm Qasr or to Kuwait City. At the same time, routine helicopter operations and all maritime operations, except for radar surveillance, remained suspended, but patrolling on the Kuwaiti side of the demilitarized zone was intensified.

15. On the evening of 16 March, since the risks for UNIKOM personnel had risen significantly, UNIKOM was authorized to make final preparations in line with the fourth phase of the plan, moving personnel to designated assembly areas at sector headquarters and then on to Kuwait City. During the course of 17 March, all UNIKOM monitoring and surveillance operations in the demilitarized zone were finally suspended. The Security Council was informed on the same day that UNIKOM troops on the Iraqi-Kuwaiti border were not able to operate and that the implication of withdrawal would mean that the mandate would be suspended.

16. To the extent possible, valuable United Nations assets and contingent-owned equipment were transferred to the custody of the Government of Kuwait for safekeeping. On 17 March, UNIKOM relocated its headquarters to the alternate command centre at Camp Khor on the Kuwaiti side of the demilitarized zone and, by 18 March, all remaining military and civilian personnel, including UNIKOM headquarters, had been relocated to Kuwait City. From 19 to 21 March, nearly all UNIKOM personnel and its two helicopters were evacuated by air to safe havens at the United Nations Logistics Base at Brindisi, Italy, and at Dhaka. A small rear headquarters was retained at Kheitan Support Centre in Kuwait City to represent the Mission, maintain high-level political and military liaison functions, retain a capacity to conduct contingency planning for a continued or modified operation, undertake residual tasks for UNIKOM such as disposal of assets and provide support as necessary to other entities of the United Nations system.

III. Organizational matters

17. On 10 March 2003, the overall strength of UNIKOM was 1,332, as follows:

(a) A total of 194 military observers, from Argentina (4), Austria (2), Bangladesh (6), China (11), Denmark (5), Fiji (7), Finland (7), France (12), Ghana

(6), Greece (3), Hungary (6), India (8), Indonesia (6), Ireland (7), Italy (6), Kenya (4), Malaysia (6), Nigeria (6), Pakistan (8), Poland (5), Romania (6), the Russian Federation (11), Senegal (6), Singapore (2), Sweden (2), Thailand (6), Turkey (6), the United Kingdom of Great Britain and Northern Ireland, (11), Uruguay (6), the United States of America (11) and Venezuela (3);

(b) A mechanized infantry battalion of 775 from Bangladesh (including 14 naval personnel for the maritime sector);

(c) An engineering unit of 50 from Argentina (including 8 radar personnel);

(d) A logistics unit of 30 from Argentina;

(e) A helicopter unit of 40 from Bangladesh;

(f) A medical unit of 14 from Germany;

(g) A total of 229 civilian staff, of whom 66 were recruited internationally and 163 locally.

Major General Franciszek Gągor (Poland) assumed command of the Force on 17 January 2003.

IV. Financial aspects

18. The General Assembly, in its resolution 56/297 of 18 July 2002, appropriated $52,866,800 gross for the maintenance of UNIKOM for the period from 1 July 2002 to 30 June 2003, subject to review by the Security Council with regard to the question of termination or continuation of the Mission. A two-thirds share of the net appropriation, equivalent to $33.6 million, is to be funded through voluntary contributions from the Government of Kuwait.

19. As of 31 January 2003, unpaid assessments to the Special Account for UNIKOM for the period since inception of the Mission amounted to $15.6 million. The total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $2,161.8 million.

V. Observations

20. During the period under review, the situation along the border between Iraq and Kuwait became increasingly tense owing to the massive military build-up on the Kuwaiti side of the border. UNIKOM continued to carry out its responsibilities and contribute to maintenance of stability in the border region until 17 March 2003, when conditions on the ground dictated withdrawal of most of the Mission for security reasons. Throughout this period, as in the past, UNIKOM continued on most occasions to receive a full degree of cooperation from both Iraqi and Kuwaiti authorities.

21. During the reporting period, UNIKOM continued to provide support to various United Nations activities in its area of operations and to cooperate closely with other United Nations agencies and programmes, especially with regard to security management and planning. In this regard, I wish to note in particular the successful transfer, facilitated by the UNIKOM Senior Adviser, of various items of Kuwaiti

property from Iraq to Kuwait, carried out on 22 December 2002 and 3 February 2003 with the full cooperation of Iraq and Kuwait.

22. Owing to the outbreak of conflict on 20 March 2003, it became necessary to withdraw the majority of UNIKOM personnel, who have returned to their countries of origin or to previous assignments. However, a small headquarters, consisting of 12 military officers, 20 essential civilian staff and some local staff, remains in Kuwait City.

23. While it is clear that UNIKOM is presently unable to fulfil its mandate as a result of the situation on the ground, its personnel have only been dispersed temporarily and the timing of their return to their assignments will be decided in consultation with the Council. The small headquarters at the UNIKOM logistics base in Kuwait City will undertake liaison duties and provide valuable support to other United Nations activities as the need arises. I recommend that this residual peacekeeping presence be maintained at an appropriate level for a further three months, until 6 July 2003, subject to any further decisions the Council may take regarding the UNIKOM mandate.

24. In conclusion, I wish to pay tribute to the former Force Commander, Major General Miguel Angel Moreno, to his successor, Major General Franciszek Gągor, as well as to the men and women under their command, for their professional and dedicated service to peacekeeping during a particularly difficult period for UNIKOM. Their performance reflects credit on them, on their countries and on the United Nations.